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Atty. Doc. No. 2002P02987WOUS

REMARKS

Claims 6-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartikainen et al. (U.S. 6,298,377). Claims 6, 12, 13, 15 are amended herein. Claims 14 and 17 are cancelled. Thus, claims 6-13 and 15-16 are presented for examination.

Response to rejections under Section 102:

In the office action at top of page 3 the Examiner equates Hartikainen's plurality of intelligent field devices to Applicant's plurality of remote power stations. However Hartikainen's plurality of intelligent field devices must reside at a single site, so they can only represent a single power station. FIG 1 of Hartikainen shows a plurality of intelligent field devices such as valves 14, 15, 16 connected in his system. These valves must reside at a single site, because they must be hard wired in order to use the HART protocol. See col. 5 lines 1-5: "The HART protocol enables a point-to-point configuration, in which there is a separate bus (pair of wires) between each field device and a master unit, or a multidrop configuration, in which up to 15 field devices are connected to the same field bus (pair of wires)." FIG 2 of Hartikainen also shows a plurality of intelligent field devices that must reside at a single site. See col. 5 lines 37-40: "The purpose of a communication stack 21 is to enable traffic on a HART bus. The communication stack contains routines RS-485 for the control of serial ports and interface functions for processing data coming through the serial ports by software." Hartikainen does not teach providing a server in each field device (valve, etc.).

In paragraph 3 of the office action the Examiner cites Hartikainen's "field agent". However, the term "field agent" is not found in Hartikainen, so it is assumed the Examiner meant "device agent". The device agent is a software component that appears in Hartikainen to most closely correspond to Applicants diagnostics unit (see Hartikainen col. 5 lines 42-44 and 52-59). The Examiner also considers the device agent to be the data acquisition unit, so these two elements are not separate in Hartikainen. This lack of separation requires specialized driver software for each device type at the diagnostics level of the system. This is one of the problems solved by Applicant's invention of FIG 2, in which the memory unit and diagnostics unit only

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need standard internet software to communicate with any of a plurality of power stations. Such separation improves modularity, standardization, reliability, maintainability, and expandability. Hartikainen requires a specialized device agent for each type of field device.

Claim 12 is amended herein to clarify that it claims the topography of Applicant's FIG 2, in which key elements of the system – a memory unit, a diagnostics unit, and an acquisition unit –, each include a server, and each obtain data from a remote power station, and/or saved data in the memory unit, via the internet. This makes Applicant's system of FIG 2 totally flexible as to the physical location of each element. This topography is not shown or described in Hartikainen.

The specific elements of Applicant's dependent claims 7, 10, and 11 are not specifically found in Hartikainen, who describes HTML page generation and transmission mostly in general terms. See col. 7 lines 16-53. The remaining dependent claims 8, 9, 13, 15, 16 should be allowable as depending from an allowable base claim.

Since Hartikainen does not teach every aspect of the claimed invention, as argued above, his disclosure does not support a rejection under 35 USC 102 as clarified in MPEP 706.02(a) IV: ". . .for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present."

Conclusion

For anticipation to occur under 35 USC 102, every aspect of the claimed invention must be disclosed or implied in a single prior art reference. For obviousness to occur under 35 USC 103, any modification needed for anticipation must be suggested by the prior art, not by the Applicant's invention, it must work, and it must produce the Applicant's invention. These criteria are not met by the cited prior art, as argued above. The subject matter of the claims has not been changed by the amendments herein. Therefore the Applicant feels this amended application is in condition for allowance. Entry of this amendment, reconsideration and allowance are respectfully requested.

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The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 3/13/06

By: JPM

John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830